

REMARKS

Grounds for objections to claims have been obviated

Claims 29, 30 and 31 were objected to because of misspellings of the word “switch” in claims 29 and 31. In the present amendment applicant, acting through the undersigned attorney, corrected these misspellings and misspellings of the word “circuit” as well.

Claim 32 was cancelled.

The grounds for rejecting certain claims for indefiniteness pursuant to 35 U. S. C. § 112, second ¶ are respectfully traversed

The Examiner is correct in stating that in Claim 13 and in some other claims the “third anti-theft coded signal” is recited before the a second signal is recited. The second signal is recited later in the same claims as a “second coded signal for allowing pressurized air to enter into the second chamber”.

The pertinent paragraph of 35 U. S. C. § 112 reads as follows:

“The specification shall conclude with claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.”

Applicant respectfully submits that “distinctly claiming the subject matter” within the meaning of 35 U. S. C. § 112, second ¶ does not require that first, second, third etc. need to follow each other in numerical sequence.

Moreover, the law is well settled that an applicant for patent can be his own lexicographer as long as he or she makes clear the meanings of the terms used in such a way that a person of ordinary skill in the art understands the terms.

In this application and claims the requirement for definiteness, namely the requirement for “distinctly claiming”, is amply satisfied. More specifically, each of the coded signals is described in the specification in terms of what the signal is intended to accomplish or what purposes it serves and to whom the signal is intended to be available. Thus, the “first” signal is defined as an “anti-terrorist signal” available only to law enforcement and like security personnel to deprive the solenoid of power regardless of the position of the electrical switches described in the specification. See for example page 14 of the specification. The “second” signal, again available only to law enforcement and the like functions to re-energize the solenoid and thereby enable a stopped vehicle or trailer to move again. (see page 14). The third and fourth signals are similarly described as signals available to the users of the vehicles or trailers to prevent theft by de-energizing, and to enable movement by energizing the solenoid through a receiver-decoder built into the system.

With these definitions firmly established in the specification and with the signals being identified as anti-terrorist coded signal, anti-theft coded signal and as second and fourth coded signals which reverse the locking of the brakes by allowing pressurized air to enter into the brake system, there is no need to necessarily recite these signals in numerical order. The requirement for distinctly claiming is satisfied.

The holding of obviousness of the claimed subject matter is in error and/or any specific grounds are overcome by the present amendment

Before discussing the non-applicability of the cited references, standing alone or in combination with one another against the outstanding claims, applicant explains the claimed invention as follows. Specifically,

without intending to replace the precise definitions in the claim language, applicant explains that the invention lies in the combination or modification of the known dual chamber brake system with remote control technology in such a manner that theft of the vehicle or trailer and also use of the vehicle or trailer by a terrorist (or the like) can be prevented even while the vehicle or trailer is in motion. In other words, the present invention incorporates remote control technology in dual chamber brake systems in such a manner that a user can park the vehicle or trailer and lock the brakes with a high level of security that the locked brake cannot be unlocked by tampering with the system. Moreover, in accordance with the present invention law enforcement or like security personnel can stop a moving vehicle by remote control while utilizing a code that is only available to law enforcement thereby preventing accidental or inadvertent braking of a moving vehicle when this is not necessary. It is respectfully submitted that this combination is novel and unobvious.

By describing the basic function of a dual chamber brake system (see the description in connection with Figures 1 – 4) and by stating that remote control opening and closing of automobile doors is well known in the art, applicant merely describes features of some prior art, and does not assert to have invented the dual chamber brake system *per se*. Therefore, applicant is of the view that the several references cited in the office action which individually disclose only a dual chamber brake system or some type of telemetric control of a device in an automobile, truck or elsewhere do not render the present invention obvious. Moreover, as it is clearly shown below, the cited references do not provide the temper proof security that the present invention provides, because any receiver-decoder and/or solenoid in

the cited references is not placed into the pressurizable chamber of a dual chamber brake system.

Specifically, United States Patent No. 3,735,834 (*St. Onge*) discloses a brake system that operates with pressurized air, and a solenoid operated anti-theft system that vents air from the chambers thereby locking the brakes. The *St. Onge* device is not operated by coded signals.

The *Kee et al.* reference includes a brake system that is responsive to a coded signal that disables the system (locks the brakes) and to another coded signal that enables the system (unlocks the brakes). However, the *Kee et al.* reference does not include an important feature of the invention which is placing the “security system”, that is a receiver decoder and/or a solenoid valve in the pressurizable and therefore highly protected portion of the brake system. Figure 1 of *Kee et al.* shows that the control parts that receive remotely transmitted coded signals are in a cabinet (25 in the drawing) and not in the pressurizable brake system. Thus, the control parts (in cabinet 25) of the device in *Kee et al.* are susceptible to tampering by a potential thief or wrong-doer.

United States Patent No. 4,192,557 (*Leiber*) is cited in the Office Action to show that the solenoid valve is mounted in a ‘second chamber’. However, a close reading of *Leibner* reveals that it does not describe a brake system where the operation of the brakes is prevented by use of a solenoid. *Leibner* discloses an ant-lock brake system that has nothing to do with the anti-theft and anti-terrorist security to which the present invention is directed. The solenoids 23, 27 and 28 are used in *Leibner* to modulate the pressure of the hydraulic fluid that goes to the brakes. See Figure 2 which shows that the pressure modulator is not within the brake system.

In contrast to the above discussed references, in the present invention the receiver-decoder is mounted within the pressurizable first chamber that serves as a service housing chamber or in the second chamber chamber that serves as an emergency housing chamber. Applicant recognizes that the terminology of “first” and “second” chambers is somewhat arbitrary because either chamber could be designated first or second. However, as a result of the present amendment each chamber is defined in the claims in accordance with the function it serves in a dual chamber brake system, and as is described in the specification. (See for example page 8 of the specification.) Mounting the receiver-decoder (electro-mechanical means) in these pressurizable chambers is of great importance because it renders the device virtually tamper proof.

United States Patent No. 4,085,716 (*Minami*) describes a carburator control system for controlling the air fuel ratio of the fuel that goes into an internal combustion engine. The signals are feedback in response to what occurs in the internal combustion engine. In the device of this reference an operator/driver does not give remote control or other signals to the modulator. Rather, it is a sensor that gives the signals.

United States Patent No. 5,133,323 (*Treusch*) is again directed to a fuel supply system for an internal combustion engine. Item 56 in this reference (Column 3, line 20) is a Hall-effect sensor. Chamber 48 is a fuel pressure sensing chamber. The sensor 56 senses fuel pressure and sends signals to a computer which then sends a feedback signal to the pump to pump more or less fuel. Thus, the device of this reference is a closed-loop feedback system including a pressure sensing device.

The Office Action indicates that the application fails to provide criticality associated with the placement of the receiver-decoder, and that

therefore its placement does not have any weight toward patentability. This holding is respectfully traversed. It is apparent from the specification and is further explained in the present amendment that placing the receiver-decoder in either one of the pressurized chambers of the dual chamber brake system provides the significant advantage of the claimed device being substantially tamper proof. The first paragraph of page 12 specifically states that the receiver-decoder can be mounted in either chamber which has previously been described as pressurizable. Thus, the criticality and advantage lies not in being in the “second chamber” but in being one of the pressurizable chambers.

The Office Action combines *St. Onge* with one or more references to reject the claims as obvious. The previous Office Action also rejected some claims on the basis of *St. Onge* alone. However, as it was explained above, *St. Onge* is not operated by code signals. Applicant urges that there is nothing in *St. Onge* alone that would suggest to or direct a person of ordinary skill in the art to using coded signals, much less four separate coded signals (as in some of the present claims). Also, there is nothing in *St. Onge* alone that would suggest to a person of ordinary skill to place the receiver-decoder into one of the pressurizable chambers to make the device substantially tamper proof.

Similarly, any combination of the cited references, whether combining only two references or all of them, and whether the combination is applied to any claim or all of the claims, still would not render the claimed subject matter obvious. This is because there is no suggestion whatsoever in any of these references to make the combination.

Still further, even if two or more or all the cited features of the references were combined, one still would not obtain the subject matter of

any of the presently pending claims. This is because neither the feature of providing the four separate coded signals, nor the feature of placing the receiver-decoder in a tamper proof pressurized chamber of a dual chamber break system is described in the references. Applicant intends that the foregoing comments should be applied to all rejections of any and all of the claims regardless whether that rejection is based on a single reference or on a combination of several, or even all of the references.

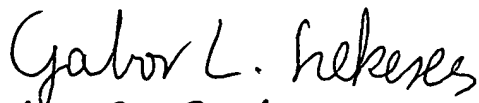
Applicant also notes that the apparent need in the Office Action to combine 3 or more references to reject some of the claims is itself a very strong indication of unobviousness and patentability. Applicant urges that these obviousness rejections are based on application of hindsight. There is virtually no mechanical or electro-mechanical invention which could not be held obvious under the standard apparently applied in the last Office Action. This is because there is virtually no mechanical or electro-mechanical invention for which the individual features or components could not be pulled from widely divergent disclosures applied in divergent fields or devices, as it was done here through the application of hindsight. However, as it was demonstrated above, in this case even a combination of the features cited from several references still would not result in the claimed invention.

The previous Office Action noted that claims 19, 20, 27 and 28 would be allowable if rewritten to overcome the then applicable indefiniteness rejections and if written in independent format. In applicant's previous response to the previous Office Action Claims 19 and 27 were also submitted as independent claims 29 and 31 and were cured of the alleged defects of indefiniteness. However, in the present action claims 29 and 31 are not indicated as allowable over prior art. This is inconsistent with the

claims are definitely allowable, as it was indicated in the previous Office Action.

In the event the Examiner is of the opinion that a telephone conference with the undersigned attorney would materially facilitate the final disposition of this case, she is respectfully requested to telephone the undersigned attorney at the below listed telephone number.

Respectfully submitted

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